

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1009 - SB 942**

March 7, 2015

**SUMMARY OF BILL:** Creates a new Class E felony for aggravated assault against a correctional officer or correctional staff. One commits a Class E felony for aggravated assault if (1) he or she commits an assault; (2) is serving a sentence in a penal institution, or is under supervision (e.g., parole, probation, judicial diversion, etc.); (3) assaults a correctional officer or correctional staff; and (4) has been disciplined or convicted of assaulting correctional employees two times prior to the instant assault.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$55,000 Highest Projected Cost of the Next 10 Years/Incarceration\***

Assumptions:

- Statistics from the Department of Correction (DOC) show that there were 499 reported assaults against correctional officers reported in FY13-14. Of those, 30 had been disciplined two or more times for assault on a staff member. It is assumed that 10 percent ( $30 \times .10 = 3$  admissions) of these would result in convictions and extend the time served of those inmates.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- It is assumed that the inmates would serve additional time equal to other Class E felonies, 1.14 years.
- According to the DOC, 42.92 percent of offenders will re-offend within two years of their release. A recidivism discount of 42.92 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law ( $3 \text{ offenders} \times .4292 = 1 \text{ offender}$ ).
- According to the DOC, the average operating cost per offender per day for calendar year 2015 is \$66.03.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on two offenders [ $3 \text{ offenders} - 1 \text{ (recidivism discount)}$ ] serving an additional 1.14 years (416.39 days) for a total of \$27,494 ( $\$66.03 \times 416.39 \text{ days}$ ). The cost for two offenders is \$54,988 ( $\$27,494 \times 2$ ).

- The bill will create no more than two cases each year. It is assumed that the Administrative Office of the Courts, the District Attorneys General Conference, and the District Public Defenders Conference can accommodate the impact within existing resources.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink, appearing to read "Jeffrey L. Spalding", written in a cursive style.

Jeffrey L. Spalding, Executive Director

/trm